

James Madison to William Pinkney, January 20, 1810. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO WILLIAM PINKNEY.¹

1 From Wheaton's *Life, Writings, and Speeches of William Pinkney*, P. 437.

Jan'y 20, 1810.

Dear Sir, —I received some days ago a letter of the 10th instant from Doctor Logan, containing observations on the posture and prospect of our foreign relations. Before the answer was out of my hands, I received another dated four days after, in which he merely informed me that he should embark for England in about eight days, with an offer to take charge of any communications for you. As his first letter did not glance at any such intention, it must be presumed to have been very suddenly formed. And as his last is silent as to the object of the trip, this is left to conjecture. From the anxiety expressed in his first letter for the preservation of peace with England, which appeared to him to be in peculiar danger, and from his known benevolence and zeal on the subject, it may reasonably be supposed that his views relate, in some form or other, to a mitigation of the hostile tendencies which distress him; and that his silence may proceed from a wish to give no handle for animadversions of any sort on the step taken by him.

You will receive from the Secretary of State, unless, indeed, opportunity fail through the shortness of the notice, such communications and observations as may be thought useful to you. You will find that the perplexity of our situation is amply displayed by the diversity of opinions and prolixity of discussion in Congress. Few are desirous of war; and few are

Library of Congress

reconciled to submission; yet the frustration of intermediate courses seems to have left scarce an escape from that dilemma. The fate of Mr. Macon's Bill,¹ as it is called, is not certain. It will probably pass the House of Representatives, and, for aught I know, may be concurred in by the Senate. If retaliated by G. Britain,

it will operate as a non-importation act, and throw exports into the circuit of the non-intercourse act. If not retaliated, it may be felt by the British navigation, and, thro' that interest, by the Government, since the execution of the law which relates to the ship,

¹ The bill was introduced in the House Dec. 19, 1809, by Macon from the Committee on Foreign Relations, and prohibited public vessels of France or England or private vessels owned by subjects of either power from entering American ports; forbade the importation of goods from either country or its colonies; and provided that whenever either country should revoke or modify her edicts so that they would cease to violate the neutral commerce of the U.S. the President should issue a proclamation announcing the cessation of the prohibitions of the act towards the revoking power. He afterwards moved an amendment to make the act expire with the present session of Congress, when by its terms it would not go into effect till April 15, his object being to make it useless. It finally passed by the unsatisfactory vote of 73 to 52. The Senate amended it by striking out all but the sections prohibiting British and French public vessels from entering American ports and limiting the act to the next session of Congress. The House refused to recede and the bill was lost. On April 8, 1810, Macon brought in another bill providing that if France or Great Britain should revoke her edicts before March 3 next the President should proclaim the fact, and if within three months thereafter the other nation did not repeal her edicts the non-intercourse regulations should be effective against her. This bill after undergoing various amendments passed the House April 19, by a vote of 61 to 40. It was sent back to the Senate with further amendments and finally passed on the last day of the session, May 1st, being approved on the same day.

and not to the merchandize, cannot be evaded. With respect to the E. Indies, the proposed regulation will have the effect of compelling the admission of a direct and *exclusive* trade

Library of Congress

for our vessels, or a relinquishment of this market for India goods, farther than they can be smuggled into it. It just appears that a proposition has been made in the House of Representatives to employ our ships of war in convoys, and to permit merchantmen to arm. However plausible the arguments for this experiment, its tendency to hostile collisions is so evident, that I think its success improbable. As a mode of going into war, it does not seem likely to be generally approved, if war was the object. The military preparations which have been recommended, and are under consideration, are what they profess to be, measures of precaution. They are not only justified, but dictated by the uncertainty attending the course which G. Britain may take, or, rather, by the unyielding and unamicable traits in her Cabinet and her countenance. Measures of that sort are also the more adapted to our situation, as, in the event of accommodation with G. Britain, they may possibly be wanted in another quarter. The long debates on the Resolution of Mr. Giles,¹ on the subject of Mr. Jackson, have terminated in affirmative votes, by large majorities. This, with the refusal of the Executive to hold communication with him, it is supposed, will produce a crisis in the British

1 In the Senate, approving the President's course towards Jackson.

policy towards the United States; to which the representations of the angry Minister will doubtless be calculated to give an unfavorable turn. Should this happen, our precautionary views will have been the more seasonable. It is most probable,

however, that instead of expressing resentment by open war, it will appear in more extended depredations on our commerce; in declining to replace Mr. Jackson; and, perhaps, in the course observed with respect to you, in meeting which your own judgment will be the best guide. Should a change in the composition or calculations of the Cabinet give a favorable turn to its policy towards this country, it is desirable that no time may be lost in allowing it its effect. With this view, you will be reminded of the *several* authorities you retain to meet in negotiation, and of the instructions by which they are to be exercised; it being always understood, that with the exception of some arrangement touching the orders in Council, reparation for the insult on the Chesapeake must precede a general

Library of Congress

negotiation on the questions between the two countries. At present, nothing precise can be said as to the condition on our part for the repeal of the orders in Council; the existing authority in the Executive to pledge one being expirable with the non-intercourse act, and no other pledge being provided for. As it is our anxious desire, however, if the British Government should adopt just and conciliatory views, that nothing may be omitted that can shew our readiness to second them, you may offer a general assurance that, as in the case of the Embargo and the non-intercourse acts, any similar power with which the Executive may be clothed will be exercised in the same spirit. You will doubtless be somewhat surprised to find among the communications to Congress, and in print, too, the confidential conversations with Mr. Canning, reserved from such a use by your own request.¹ It was, in fact, impossible to resist the pointed call for them, without giving umbrage to some, and opportunity for injurious inferences to others. The difficulty was increased by the connection between those and other communications neces-

sarily falling within the scope of the rule of compliance in such cases. Finally, there did not appear to be any thing in the conversations which could warrant British complaint of their disclosure, or widen the space between you and the British Ministry.

¹ See *ante*, p. 70, n.

As it may not be amiss that you should know the sentiments which I had expressed to Doctor Logan, and which, though an answer to his letter written previous to the notification of his intended trip, he will of course carry with him, I enclose a copy of the answer.

The file of newspapers from the Department of State will give you the debates on the case of Jackson. I enclose, however, a speech I have just looked over, in a pamphlet form. Although liable to very obvious criticisms of several sorts, it has presented a better analysis of some parts of the subject than I have observed in any of the speeches.